

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

-----X  
**HECTOR MALDONADO,**

Plaintiff,

Index No.:

-against-

**VERIFIED COMPLAINT**

**THE CITY OF NEW YORK, THE NEW YORK CITY POLICE  
DEPARTMENT, POLICE OFFICER ABDIEL ANDERSON**  
*(Shield No. 001429), POLICE OFFICERS JOHN AND JANE DOES*  
*(Police Officers whose names and shield numbers are not yet known or*  
*identified), THE FIRE DEPARTMENT OF THE CITY OF NEW*  
**YORK and JOHN AND JANE ROES** *(Emergency Medical*  
*Technicians whose names and badges are not yet known or identified),*

Defendants.  
-----X

Plaintiffs, **HECTOR MALDONADO** and **CARMELO MALDONADO**, by their attorney,  
**JEFFREY ZEICHNER**, as and for a complaint, upon information and belief and at all times hereinafter  
mentioned, alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION**  
**AGAINST ALL DEFENDANTS**

1. At all times herein alleged, the plaintiffs were residents of the County of Bronx, City and State of New York.
2. That at all the times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, was a municipal corporation duly organized and existing under and by virtue of the Laws of the State of New York.
3. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, operated **THE NEW YORK CITY POLICE DEPARTMENT**.
4. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, employed various personnel, including the defendants **POLICE OFFICER ABDIEL**

**ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), as law enforcement agents, employees and personnel herein mentioned.

5. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, trained individuals and **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), to work as police officers with **THE NEW YORK CITY POLICE DEPARTMENT**.

6. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, employed the various personnel including law enforcement agents and officials, police officers, jailer, warrant officers, wardens, magistrates, court attendants, clerks, correction's department personnel, emergency medical technicians including the above mentioned police officers and emergency medical technicians.

7. That at all times herein alleged, upon information and belief, the participating police officers, **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), was employed by the defendant, **THE CITY OF NEW YORK**.

8. That upon information and belief, said police officers were assigned to NARCBX of **THE NEW YORK CITY POLICE DEPARTMENT**.

9. Plaintiff sues each and every defendant (except the City, Police Department and Fire Department) in both their individual and official capacity.

10. That at all times herein alleged, the defendant **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), acted within the scope of their duties as an employee, agent, and official of the defendant, **THE CITY OF NEW YORK**, and **THE NEW YORK CITY POLICE DEPARTMENT**.

11. The defendant **NEW YORK CITY FIRE DEPARTMENT** is a municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

12. The defendant **NEW YORK CITY FIRE DEPARTMENT** was, and still is, a public benefit corporation.

13. The defendant **NEW YORK CITY FIRE DEPARTMENT** was, and still is, a public authority.

14. The defendant **NEW YORK CITY FIRE DEPARTMENT**, maintains their principal place of business at 9 Metrotech Center, Brooklyn, New York 11201.

15. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, operated **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**.

16. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, employed various personnel, including the defendants **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*), as emergency medical technicians, agents, employees and personnel with **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**.

17. That at all times herein alleged, upon information and belief, the defendant, **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**, trained individuals and **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*), to work as emergency medical technicians with **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**.

18. That at all times herein alleged, upon information and belief, the participating emergency medical technicians, **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*), were employed by the defendant, **THE CITY OF NEW YORK**.

19. That upon information and belief, said emergency medical technicians were assigned to **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**.

20. That at all times herein alleged, the defendants **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*), acted within the scope of

his duties as an employees, agents, and officials of the defendant, **THE CITY OF NEW YORK**, and **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK** .

21. That on or about May 7, 2013 the plaintiff **HECTOR MALDONADO** was arrested stop/detained, imprisoned and prosecuted under Bronx Supreme Court docket number 2013BX026903 and Arrest No. B13632016.

22. That on or about May 7, 2013 the plaintiff **HECTOR MALDONADO** was arrested assaulted and battered and had excessive force used by the above mentioned police officer.

23. That on or about May 7, 2013 the plaintiff **CARMELO MALDONADO** was arrested stop/detained, imprisoned and prosecuted under Bronx Supreme Court docket number 2013BX026903 and Arrest No. 13632027.

24. That on or about May 7, 2013 the plaintiff **CARMELO MALDONADO** was arrested assaulted and battered and had excessive force used by the above mentioned police officer.

25. That on the aforesaid date, the plaintiffs were assaulted and battered by said police officers, defendants **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), and other members of the Police Department of the defendant, **THE CITY OF NEW YORK**.

26. That the aforesaid arrest and assault and battery and excessive force were committed without the plaintiffs having committed any act to provoke said arrests, assaults and battery and said acts were committed by said officers without cause or provocation.

27. That at the time of the aforesaid arrests, assaults and battery, said police officers and emergency medical technicians were acting in the course and general scope of their employment duties and official duties pursuant to the authority given them by the defendant, **THE CITY OF NEW YORK**.

28. That by reason of and in consequence of said arrest and assault and battery, the plaintiff, **HECTOR MALDONADO**, sustained a severe mental and nervous shock to his system.

29. That by reason of and in consequence of said arrest, assault and battery, the plaintiff, **HECTOR MALDONADO**, has become depressed.

30. That by reason of and in consequence of said arrest and assault and battery, the plaintiff, **CARMELO MALDONADO**, sustained a severe mental and nervous shock to his system.

31. That by reason of and in consequence of said arrest, assault and battery, the plaintiff, **CARMELO MALDONADO**, has become depressed.

32. That by reason of and in consequence of said arrest, assault and battery, the plaintiff **HECTOR MALDONADO**, was refused treatment to the plaintiff's detriment by defendants **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*), who were employed by the defendant, **THE CITY OF NEW YORK** and **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK** at the request of **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), who were employed by **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**.

33. That by reason of and in consequence of said arrest, assault and battery, the plaintiff **CARMELO MALDONADO**, was refused treatment to the plaintiff's detriment by defendants **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*), who were employed by the defendant, **THE CITY OF NEW YORK** and **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK** at the request of **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), who were employed by **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**.

34. That at all times herein alleged, the defendants **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*) and **JOHN AND JANE**

**ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*) all acted within the scope of their duties as an employees, agents, and officials of the defendants, **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT** and **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**.

35. That by reason of and in consequence of said arrests, assaults and battery, the plaintiffs have been prevented, and will be prevented, from pursuing their usual and ordinary vocations and have expended various sums, and upon information and belief will continue to expend and incur further sums for medical care and attention.

36. That on June 4, 2013 a Notice of Claim was served on the defendant, **THE CITY OF NEW YORK**.

37. That on June 4, 2013 plaintiffs herein duly presented in writing to the defendant, **THE CITY OF NEW YORK**, the claim for damages herein set forth and upon which this action is founded and that said claim was presented for adjustment.

38. That more than 30 days have elapsed since the said Notice of Claim was served upon the defendants and the defendant, **THE CITY OF NEW YORK**, has failed and refused to make an adjustment of any claim herein set forth.

39. That more than thirty (30) days have elapsed since the service and filing of a Notice of Claim with the Comptroller of the City of New York has stipulated that the plaintiffs may commence their action prior to the holding of a hearing pursuant to Section 50-h of the General Municipal Law.

40. That all conditions precedent to the bringing of this action have been complied with.

41. That this action was commenced within one year and ninety (90) days after the accrual of the cause of action herein.

42. That by reason of the foregoing, the plaintiffs have been damaged in a sum which exceeds

the jurisdiction of any court which would otherwise have jurisdiction over this matter.

**AS AND FOR A SECOND CAUSE OF ACTION**

43. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 42, inclusive, as though more fully set forth at length herein.

44. That on or about May 7, 2013 the plaintiff, **HECTOR MALDONADO**, was arrested by the defendant the City of New York, by its agents, servants, and/or employees.

45. That on or about May 7, 2013 the plaintiff, **CARMELO MALDONADO**, was arrested by the defendant the City of New York, by its agents, servants, and/or employees.

46. That on or about May 7, 2013 the plaintiffs were arrested by said police officer.

47. That the aforesaid arrests and subsequent detentions were without probable cause or any justification and was further based upon the defendants **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*) and **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*), failure to properly investigate, filing of false and/or misleading statements, falsified reports, and documents.

48. There was no warrant for the arrest of the plaintiffs on or about May 7, 2013.

49. The arrest of the plaintiff by the defendants was without probable cause and reasonable grounds for said defendants to believe that the plaintiff, **HECTOR MALDONADO**, had committed a criminal offense; said police officers further knew that they were without probable cause to arrest plaintiff, **HECTOR MALDONADO**, and they performed various and sundry acts to affect the false and unlawful arrest of the plaintiff.

50. The arrest of the plaintiff by the defendants was without probable cause and reasonable grounds for said defendants to believe that the plaintiff, **CARMELO MALDONADO**, had committed a

criminal offense; said police officers further knew that they were without probable cause to arrest plaintiff, **CARMELO MALDONADO**, and they performed various and sundry acts to affect the false and unlawful arrest of the plaintiff.

51. Neither at the time of the arrest nor at any other time was plaintiff, **HECTOR MALDONADO**, informed of the grounds for said arrest.

52. As a result of their unlawful, malicious and false arrest of plaintiff, **HECTOR MALDONADO**, said police officers acted with deliberate indifference and callous disregard of plaintiff's rights, placed the plaintiff under arrest, deprived plaintiff of his liberty without due process of law and confined and incarcerated plaintiff against his will and gave false testimony against him.

53. That as a result of the false arrest which the plaintiff suffered, plaintiff's health was impaired, plaintiff suffered great mental distress, plaintiff was incarcerated for an extended period of time, and his reputation and character were injured, and sums were expended in the defense of criminal charges.

54. That as a result of the foregoing the plaintiff, **HECTOR MALDONADO**, has been damaged in a sum which exceeds the jurisdiction of any court which would otherwise have jurisdiction over this matter.

**AS AND FOR A THIRD CAUSE OF ACTION**

55. Plaintiffs repeats and re-alleges each and every allegation contained in paragraphs 1 through 54, inclusive, with the same force and effect as though set forth at length herein.

56. That subsequent to the aforesaid false arrest, the plaintiff, **HECTOR MALDONADO**, was held in custody in various detention cells or correctional facility for an extended period.

57. That subsequent to the aforesaid false arrest, the plaintiff, **CARMELO MALDONADO**, was held in custody in various detention cells or correctional facility for an extended period.



58. That the aforesaid detention and incarceration was the result of a false and illegal arrests.

59. That as a result of the detention which the plaintiffs suffered, plaintiffs' health were impaired, plaintiffs suffered great mental distress, plaintiffs' reputations and characters were injured, plaintiff's earning power were permanently impaired, and money was expended by plaintiffs in defense of the criminal charges.

60. That as a result of the foregoing, the plaintiff, **HECTOR MALDONADO**, sustained damages in a sum which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this matter.

61. That as a result of the foregoing, the plaintiff, **CARMELO MALDONADO**, sustained damages in a sum which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this matter.

**AS AND FOR A FOURTH CAUSE OF ACTION**

62. Plaintiffs repeats and re-alleges each and every allegation contained in paragraphs 1 through 43, inclusive, with the same force and effect as though set forth at length herein.

63. That at the time of the false arrests, false imprisonment and assaults of the plaintiffs, said police officers were acting in the course and general scope of their employment duties and official duties pursuant to the authority given them by the defendant, **THE CITY OF NEW YORK**.

64. That the defendant, **THE CITY OF NEW YORK**, at the time of the above-stated incident knew, should have known and had reason or opportunity to know, that the agents, servants and/or employees described in this complaint were unfit for the employment for which they were hired, unfit for the official duties delegated to them and unfit for the law enforcement responsibilities to which they were assigned.

65. That by hiring, training, retaining, employing, failing to supervise and failing to investigate the aforesaid agents, servants and/or employees, the defendant, **THE CITY OF NEW YORK**, negligently created and caused a situation where it was likely that said agents, servants and/or employees would, as a result of their work history, unfit character, malicious temperament, and inadequate supervision, threaten, assault, strike, unlawfully arrest, unlawfully imprison, and unlawfully deprive innocent persons of their liberty, without sufficient reason or probable cause appearing therefore.

66. That the defendant, **THE CITY OF NEW YORK**, knew, had reason or opportunity to know, in the exercise of due and reasonable care, that the aforesaid agents, servants, and/or employees were vicious, potentially dangerous, negligent and performing criminal and illegal acts during the course of their employment duties.

67. That the defendant, **THE CITY OF NEW YORK**, was negligent in the hiring, employment, training, retention and supervision of the aforesaid agents, servants and/or employees.

68. That by reason of and in consequence of said negligence and lack of reasonable care on the part of the defendant, **THE CITY OF NEW YORK**, and its agents, servants and/or employees, the plaintiff herein sustained serious bodily injuries, with accompanying pain and was rendered sick, sore and bruised and sustained severe shock to this nervous system, and that some of said injuries may be permanent, and required medical attention and medicines and was prevented from pursuing his usual and ordinary vocation and incurred expenses to **HECTOR MALDONADO**, sustained damages in a sum which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this matter.

69. That by reason of and in consequence of said negligence and lack of reasonable care on the part of the defendant, **THE CITY OF NEW YORK**, and its agents, servants and/or employees, the plaintiff herein sustained serious bodily injuries, with accompanying pain and was rendered sick, sore and

bruised and sustained severe shock to this nervous system, and that some of said injuries may be permanent, and required medical attention and medicines and was prevented from pursuing his usual and ordinary vocation and incurred expenses to **CARMELO MALDONADO**, sustained damages in a sum which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this matter.

**AS AND FOR A FIFTH CAUSE OF ACTION**

70. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 69, inclusive, with the same force and effect as though set forth at length herein.

71. As a result of the foregoing assaults, unlawful arrests and unlawful imprisonment, the plaintiffs they were deprived of their liberty without due process of law in violation of his rights under the Fifth and Fourteenth Amendments to the Constitution of the United States and in violation of his statutory rights under 42 U.S.C. 1983.

72. That the assaults, battery, unlawful arrests and unlawful imprisonment were perpetrated pursuant to and under color of law, and pursuant to official policy, procedure, regulation and custom of defendants, said known and unknown police officers and emergency medical technicians, **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT** and **THE FIRE DEPARTMENT OF THE CITY OF NEW YORK**.

73. Due to the defendant's actions, the plaintiffs were denied due process of law in violation of their rights under the Fifth and Fourteenth Amendments to the constitution of the United States and in violation of his statutory rights under 42 U.S.C. 1983.

74. That the defendant, said police officers' assault, battery, concerted, unlawful, false arrests, false imprisonment of the plaintiff, **HECTOR MALDONADO**, was perpetrated pursuant to and under

color of law, and pursuant to official policy, procedure, regulation and custom of defendant, Said unknown police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**.

75. That the defendant, said police officers' assault, battery, concerted, unlawful, false arrests, false imprisonment of the plaintiff, **CARMELO MALDONADO**, was perpetrated pursuant to and under color of law, and pursuant to official policy, procedure, regulation and custom of defendant, Said unknown police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**.

76. Acting under color of law and pursuant to official policy, procedure, regulation and custom, defendant, Said police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** knowingly, intentionally, recklessly or, with deliberate indifference and callous disregard of plaintiff **HECTOR MALDONADO's** constitutional and statutory rights, failed to instruct, train, supervise, control, discipline and investigate said unknown police officers on a continuing basis to prevent said defendant police officer, in the conduct of their official duties from:

- (1) acting in concert to commit and cause an unlawful, warrantless, malicious and secured immunities;
- (2) acting in concert to commit and cause an unlawful, malicious and false imprisonment of the plaintiff for an extended period of time despite the fact that the plaintiff was acting in accordance with his constitutional and statutory rights, privileges and immunities;
- (3) acting in concert to commit and cause an unlawful assault of the plaintiff, and otherwise using unwarranted, unreasonable and excessive force upon the plaintiff in spite of the fact that he was

acting in accordance with his constitutional and statutory rights;

- (4) conspiring to deprive plaintiff of his liberty in violation of the Fifth and Fourteenth Amendments, rights to due process of law under the United States Constitution and other rights, privileges and immunities guaranteed to the plaintiff by the United States Constitution, the laws of the United States and the laws of the State of New York; and
- (5) conspiring along with other police department personnel assigned to the NARCBX of the **THE NEW YORK CITY POLICE DEPARTMENT** to commit a course of offenses, practices and official misconduct including depriving plaintiff of the rights, privileges and immunities secured to him by the United States Constitution and the laws of the United States.

77. That the defendant, and said police officers, **THE CITY OF NEW YORK** and the **THE NEW YORK CITY POLICE DEPARTMENT**, under color of law or pursuant to official policy, procedure and custom, knowingly, intentionally, recklessly, or with deliberate indifference and callous disregard of plaintiff's constitutional and statutory rights, did refuse, neglect or fail to supervise and investigate the activities of the defendant police officer and other police department personnel assigned to the NARCBX of **THE NEW YORK CITY POLICE DEPARTMENT**.

78. That the refusal, neglect or failure by said unknown police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** to supervise and investigate the activities of said police officers and other, NARCBX police personnel permitted said unknown police officers to engage in a course of offenses, including assault, battery and other official misconduct.

79. That the defendants **THE CITY OF NEW YORK's** and **THE NEW YORK CITY POLICE DEPARTMENT's** refusal, neglect or failure to supervise and investigate the activities of said police officers and other NARCBBX police personnel directly led to the deprivation of liberty without due process of law suffered by plaintiff and violations of the plaintiff's rights under the United States Constitution, 42 U.S.C. 1983 and other laws of the United States and the State of New York.

80. That said police officers and **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** knew, should have known and in the exercise of reasonable care had the opportunity to know that the defendant the defendant, said police officers and other NARCBBX personnel engaged in a course of offense, corrupt practices and official misconduct including the deprivation of liberty without due process of law, suffered by plaintiff and violations of the plaintiff's rights under the United States Constitution, 42 U.S.C. 1983 and the laws of the United States.

81. That the defendants, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, directly or indirectly, under color of law or pursuant to official policy, procedure or custom, approved or ratified the aforementioned unlawful, deliberate, assault, battery, false arrest and imprisonment and wanton conduct of the defendant police officer.

82. That **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** are responsible and vicariously liable for the aforementioned acts, omissions and conduct of the defendant police officers as set forth above.

83. That the aforementioned acts, omissions and conduct of said police officers, as set forth above, resulted in the plaintiff suffering physical injury, impairment of his health, severe mental distress, impairment of reputation and character, loss of income, permanent impairment of earning power, deprivation of liberty without due process of law and violation of Fifth and Fourteenth Amendment rights as well as rights secured and guaranteed by 42 U.S.C. 1983 and the law of the United States and further

caused the plaintiff to expend large sums of money for medical care and legal representation in the defense of criminal charges.

84. As a result of the foregoing, the plaintiff, **HECTOR MALDONADO**, sustained damages in excess of the jurisdiction of all other courts which would otherwise have jurisdiction over this matter.

85. As a result of the foregoing, the plaintiff, **CARMELO MALDONADO**, sustained damages in excess of the jurisdiction of all other courts which would otherwise have jurisdiction over this matter.

**AS AND FOR A SIXTH CAUSE OF ACTION**

86. Plaintiffs repeats and re-alleges each and every allegation contained in paragraphs 1 through 85, inclusive, with the same force and effect as though set forth at length herein.

87. That on the aforesaid date, the plaintiffs were maliciously, vindictively, and intentionally menaced, assaulted and battered by said police officers intentionally, recklessly and or negligently punched and beat the plaintiffs.

88. That on the aforesaid date, the plaintiffs were maliciously, vindictively, and intentionally menaced, assaulted and battered by said known and unknown police officers.

89. That on the aforesaid date, said unknown police officers did use excessive force against the plaintiff in that they did strike the plaintiffs about the head and body causing them to sustain bodily injury.

90. That on the aforesaid date, the plaintiffs were intentionally struck on the head and body and by said known and unknown police officers who were acting in the scope of their employment by

**THE CITY OF NEW YORK.**

91. That the aforesaid assaults and batteries were committed without cause or provocation.

92. That at the time of the aforesaid assaults and battery, the plaintiff did not commit any act to

provoke said assault.

93. That said known and unknown police officers were acting in the course and general scope of their employment duties and official duties pursuant to the authority given to them by the defendant, **THE CITY OF NEW YORK**.

94. That on the aforesaid date, said known and unknown police officers did fail to provide a safe environment for the plaintiffs who were in their care, custody and control.

95. That on the aforesaid date, said known and unknown police officers did actively created a dangerous environment for the plaintiffs who were in their care custody and control.

96. That on the aforesaid date, said known and unknown police officers did fail to protect the plaintiffs from foreseeable risks of injury from their actions.

97. That on the aforesaid date, said known and unknown police officers did create a situation wherein the officers did act with hostility and anger toward the plaintiffs.

98. That on the aforesaid date, said known and unknown police officers did fail to control the situation which became foreseeably dangerous for the plaintiffs and in allowing the plaintiffs to be injured.

99. That on the aforesaid date, said known and unknown police officers did fail to protect the plaintiffs.

100. That by reason of and in consequence of said assaults and battery, the plaintiff, **HECTOR MALDONADO**, sustained bodily injuries with accompanying pain and was rendered sick, sore and bruised, and sustained a severe mental and nervous shock to his system.

101. That by reason of and in consequence of said assaults and battery, the plaintiff, **CARMELO MALDONADO**, sustained bodily injuries with accompanying pain and was rendered sick, sore and bruised, and sustained a severe mental and nervous shock to his system.

102. That on the aforesaid date, said unknown police officers or corrections officers or other



law enforcement personnel did fail to provide or render timely medical care to the plaintiffs who had been injured while in their care custody and control.

103. That by reason of and in consequence of said assault and battery, the plaintiff, **HECTOR MALDONADO**, became sick, sore, lame and suffered physical pain and sustained injuries, and has required medical care and attention.

104. That by reason of and in consequence of said assault and battery, the plaintiff, **CARMELO MALDONADO**, became sick, sore, lame and suffered physical pain and sustained injuries, and has required medical care and attention.

105. That by reason of and in consequence of said assaults and battery, the plaintiffs have been prevented, and will be prevented, from pursuing their usual and ordinary vocation and have expended various sums, and upon information and belief will continue to expend and incur further sums for medical care and attention.

106. That on June 4, 2013, a Notice of Claim was served on the defendant, **THE CITY OF NEW YORK**.

107. That on June 4, 2013 the plaintiffs herein duly presented in writing to the defendant, **THE CITY OF NEW YORK**, the claim for damages herein set forth and upon which this action is founded and that said claim was presented for adjustment.

108. That more than 30 days have elapsed since the said Notice of Claim was served upon the defendant and the defendant, **THE CITY OF NEW YORK**, has failed and refused to make an adjustment of any claim herein set forth.

109. That more than thirty (30) days have elapsed since the service and filing of a Notice of Claim with the Comptroller of the City of New York has stipulated that the plaintiffs may commence their action prior to the holding of a hearing pursuant to Section 50-h of the General Municipal Law.

110. That all conditions precedent to the bringing of this action have been complied with.

111. That this action was commenced within one year and ninety (90) days after the accrual of the cause of action herein.

112. That by reason of the foregoing, the plaintiffs have been damaged in a sum which exceeds the jurisdiction of any court which would otherwise have jurisdiction over this matter.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

113. Plaintiffs repeats and re-alleges each and every allegation contained in paragraphs 1 through 112, inclusive, with the same force and effect as though set forth at length herein.

114. That at the time of the use of excessive force against the plaintiffs and the assaults and battery of the plaintiffs, said unknown officers were acting in the course and general scope of their employment duties and official duties pursuant to the authority given them by the defendant, **THE CITY OF NEW YORK**.

115. That the defendant, **THE CITY OF NEW YORK**, at the time of the above-stated incident

knew, should have known and had reason or opportunity to know, that the agents, servants and/or employees described in this complaint were unfit for the employment for which they were hired, unfit for the official duties delegated to them and unfit for the law enforcement and correction facility responsibilities to which they were assigned.

116. That by hiring, training, retaining, employing, failing to supervise and failing to investigate the aforesaid agents, servants and/or employees, the defendant, **THE CITY OF NEW YORK**, negligently created and caused a situation where it was likely that said agents, servants and/or employees would, as a result of their work history, unfit character, malicious temperament, and inadequate supervision, threaten, assault, strike, batter, unlawfully arrest, unlawfully imprison, and unlawfully deprive innocent persons of their liberty, without sufficient reason or probable cause appearing therefore.

117. That the defendant, **THE CITY OF NEW YORK**, knew, had reason or opportunity to know, in the exercise of due and reasonable care, that the aforesaid agents, servants, and/or employees were vicious, potentially dangerous, negligent and performing criminal and illegal acts during the course of their employment duties.

118. That the defendant, **THE CITY OF NEW YORK**, was negligent in the hiring, employment, training, retention and supervision of the aforesaid agents, servants and/or employees.

119. That by reason of and in consequence of said negligence and lack of reasonable care on the part of the defendant, **THE CITY OF NEW YORK**, and its agents, servants and/or employees, the plaintiff herein sustained serious bodily injuries, with accompanying pain and was rendered sick, sore and bruised and sustained severe shock to this nervous system, and that some of said injuries may be permanent, and required medical attention and medicines and was prevented from pursuing his usual and ordinary vocation and incurred expenses to **HECTOR MALDONADO**, sustained damages in a sum which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this

matter.

120. That by reason of and in consequence of said negligence and lack of reasonable care on the part of the defendant, **THE CITY OF NEW YORK**, and its agents, servants and/or employees, the plaintiff herein sustained serious bodily injuries, with accompanying pain and was rendered sick, sore and bruised and sustained severe shock to this nervous system, and that some of said injuries may be permanent, and required medical attention and medicines and was prevented from pursuing his usual and ordinary vocation and incurred expenses to **CARMELO MALDONADO**, sustained damages in a sum which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this matter.

**AS AND FOR A EIGHT CAUSE OF ACTION**

121. Plaintiffs repeats and re-alleges each and every allegation contained in paragraphs 1 through 120, inclusive, with the same force and effect as though set forth at length herein.

122. As a result of the foregoing assaults, unlawful arrest and unlawful imprisonment, the plaintiffs were deprived of their liberty and health without due process of law in violation of their rights under the Fifth and Fourteenth Amendments to the Constitution of the United States and in violation of his statutory rights under 42 U.S.C. 1983.

123. That the assaults were perpetrated pursuant to and under color of law, and pursuant to official policy, procedure, regulation and custom of defendant, Said unknown officers, and emergency medical technicians, **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT and THE FIRE DEPARTMENT OF THE CITY OF NEW YORK.**

124. Due to the defendant's actions, the plaintiffs were denied due process of law in violation of their rights under the Fifth and Fourteenth Amendments to the constitution of the United States and in

violation of his statutory rights under 42 U.S.C. 1983.

125. That said police officers assault and battery of **HECTOR MALDONADO**, was perpetrated pursuant to and under color of law, and pursuant to official policy, procedure, regulation and custom of defendant, Said unknown officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**.

126. That said police officers assault and battery of **CARMELO MALDONADO**, was perpetrated pursuant to and under color of law, and pursuant to official policy, procedure, regulation and custom of defendant, Said unknown officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**.

127. Acting under color of law and pursuant to official policy, procedure, regulation and custom, defendant, Said unknown police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** knowingly, intentionally, recklessly, negligently or, with deliberate indifference and callous disregard of plaintiff **HECTOR MALDONADO's** constitutional and statutory rights, failed to instruct, train, supervise, control, discipline and investigate said unknown police officers and correction officers on a continuing basis to prevent said officers, in the conduct of their official duties from acting in concert to commit and cause an unlawful assault of the plaintiff, and otherwise using unwarranted, unreasonable and excessive force upon the plaintiff in spite of the fact that he was acting in accordance with his constitutional and statutory rights;

128. Acting under color of law and pursuant to official policy, procedure, regulation and custom, defendant, Said unknown police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** knowingly, intentionally, recklessly, negligently or, with deliberate indifference and callous disregard of plaintiff **CARMELO MALDONADO's** constitutional and statutory rights, failed to instruct, train, supervise, control, discipline and investigate said unknown police officers

and correction officers on a continuing basis to prevent said officers, in the conduct of their official duties from acting in concert to commit and cause an unlawful assault of the plaintiff, and otherwise using unwarranted, unreasonable and excessive force upon the plaintiff in spite of the fact that he was acting in accordance with his constitutional and statutory rights;

129. That said police officers, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, under color of law or pursuant to official policy, procedure and custom, knowingly, intentionally, recklessly, or with deliberate indifference and callous disregard of plaintiff's constitutional and statutory rights, did refuse, neglect or fail to supervise and investigate the activities of said police department.

130. That the refusal, neglect or failure by the defendants of said officers, and of **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** to supervise and investigate the activities of said unknown officers and other, Criminal Court Building, Central Booking personnel permitted said unknown officers to engage in a course of offenses, including assault and other official misconduct.

131. That **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** knew, should have known and in the exercise of reasonable care had the opportunity to know that the defendant the defendant, said police officers and other NARCB BX personnel engaged in a course of offense, corrupt practices and official misconduct including the physical injury and deprivation of liberty without due process of law, suffered by plaintiff and violations of the plaintiff's rights under the United States Constitution, 42 U.S.C. 1983 and the laws of the United States.

132. That the defendants, **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, directly or indirectly, under color of law or pursuant to official policy, procedure or custom, approved or ratified the aforementioned unlawful, deliberate, assault, false arrest

and imprisonment and wanton conduct of the defendants and their agents.

133. That **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT** are responsible and vicariously liable for the aforementioned acts, omissions and conduct of the officers as set forth above.

134. That the aforementioned acts, omissions and conduct of said unknown officers, as set forth above, resulted in the plaintiff suffering physical injury, impairment of his health, severe mental distress, impairment of reputation and character, deprivation of liberty without due process of law and violation of Fifth and Fourteenth Amendment rights as well as rights secured and guaranteed by 42 U.S.C. 1983 and the law of the United States and further caused the plaintiff to expend large sums of money for medical care and legal representation in the defense of criminal charges.

135. As a result of the foregoing, the plaintiff, **HECTOR MALDONADO**, sustained damages in excess of the jurisdiction of all other courts which would otherwise have jurisdiction over this matter. a result of the foregoing, the plaintiff, **CARMELO MALDONADO**, sustained damages in excess of the jurisdiction of all other courts which would otherwise have jurisdiction over this matter.

**AS AND FOR A NINTH CAUSE OF ACTION**

136. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 134, inclusive, with the same force and effect as though more fully set forth at length herein.

137. Pursuant to 42 U.S.C. 1983, the undersigned counsel for plaintiff requests and demands attorneys' fees be awarded as fair and reasonable compensation for services rendered in connection with this action.

**AS AND FOR A TENTH CAUSE OF ACTION**

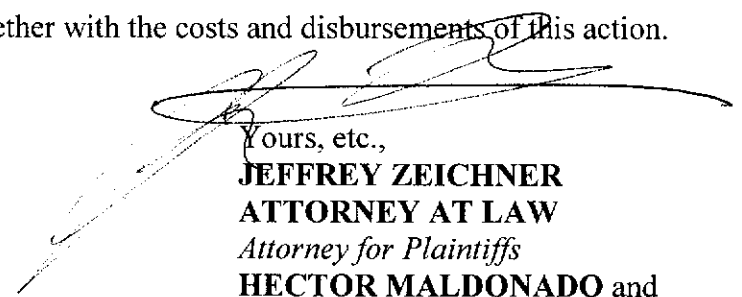
138. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 137, inclusive, with the same force and effect as though more fully set forth at length herein.

139. Pursuant to 42 U.S.C. 1983, the undersigned counsel for plaintiff requests and demands attorneys' fees be awarded as fair and reasonable compensation for services rendered in connection with this action.

140. As a result of the foregoing, attorneys' fees in a sum exceeding the jurisdiction of all lower courts which would otherwise have jurisdiction over this matter are demanded.

**WHEREFORE**, plaintiff, **HECTOR MALDONADO** and **CARMELO MALDONADO**, demands judgment against the defendants **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER ABDIEL ANDERSON** (*Shield No. 001429*), **POLICE OFFICERS JOHN AND JANE DOES** (*Police Officers whose names and shield numbers are not yet known or identified*) and **JOHN AND JANE ROES** (*Emergency Medical Technicians whose names and badges are not yet known or identified*) on each cause of action numbered first through Tenth, inclusive, in an amount which would exceed the jurisdiction of all lower courts which would otherwise have jurisdiction over this matter, all together with the costs and disbursements of this action.

Dated: Bronx, New York  
July 23, 2014



Yours, etc.,

**JEFFREY ZEICHNER**  
**ATTORNEY AT LAW**

*Attorney for Plaintiffs*

**HECTOR MALDONADO** and  
**CARMELO MALDONADO**

*Office, Post Office Address & Tel. No.*  
895 Sheridan Avenue  
Bronx, New York 10451  
Tel. (718) 538-6100



**VERIFICATION**

BY  
ATTORNEY'S  
AFFIRMATION

STATE OF NEW YORK     )  
                                      :     S.:  
COUNTY OF BRONX     )

**JEFFREY ZEICHNER**, affirms, per CPLR, under the penalties of perjury, that the attorney of record for the plaintiff and that he has read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Affiant states that the reason he makes this affirmation is that the plaintiff are currently incarcerated; and affiant further states that the sources of his information and belief are from conversations had with the plaintiff and/or from the memoranda, documents, reports and other related records in the file of this action, which file is in your affiant's possession.

Dated: Bronx, New York  
July 23, 2014



**JEFFREY ZEICHNER, ESQ.**

Index No.:

Year 2014

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\*\*\*\*\*  
**HECTOR MALDONADO and  
CARMELO MALDONADO,**

Plaintiffs,

-against-

**THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER  
ABDIEL ANDERSON (Shield No. 001429), POLICE OFFICERS JOHN AND JANE DOES (Police  
Officers whose names and shield numbers are not yet known or identified), THE FIRE DEPARTMENT OF  
THE CITY OF NEW YORK and JOHN AND JANE ROES (Emergency Medical Technicians whose names  
and badges are not yet known or identified),**

Defendants.

\*\*\*\*\*  
**SUMMONS AND VERIFIED COMPLAINT**  
\*\*\*\*\*

**JEFFREY ZEICHNER ATTORNEY AT LAW**

Attorney for PLAINTIFF  
895 Sheridan Avenue  
Bronx, New York 10451  
(718) 538-6100

\*\*\*\*\*  
Pursuant to 22NYCRR 130-1.1-a, the undersigned attorney admitted to practice in the court of New York state, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that it if was, the attorney or other persons responsible of the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 120.41-a.

Dated: .....

Signature .....

Print Signature.....

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for

\*\*\*\*\*  
**PLEASE TAKE NOTICE**

that the within is a (certified) true copy of a  
NOTICE OF entered in the office of the clerk of the within-named Court on  
ENTRY

20

that an Order of which the within is a true copy will be presented for settlement to the  
NOTICE OF Hon. , one of the judges of the within-named Court,  
SETTLEMENT at  
on 20 , at M.

Dated:

**JEFFREY ZEICHNER ATTORNEY AT LAW**  
Attorney for PLAINTIFF  
895 Sheridan Avenue  
Bronx, New York 10451  
Tel. (718) 538-6100

To:  
Attorney(s) for